



13 JAN 2005

#6

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Docket Administrator
Lucent Technologies
Room 3J-219
101 Crawfords Corner Rd.
Holmdel NJ 07733-3030

In re Application of :
CASATI et al. :
Application No.: 10/009,019 : DECISION
PCT No.: PCT/GB00/01486 :
Int. Filing Date: 18 April 2000 :
Priority Date: 08 June 1999 :
Attorney's Docket No.: Casati 1-1-1 :
For: MOBILE IP DEPLOYMENT :
:

This decision is in response to applicant's "PETITION TO VACATE ABANDONMENT" filed in the United States Patent and Trademark Office (USPTO) on 05 May 2003.

BACKGROUND

On 18 April 2000, applicant filed international application PCT/GB00/01486, which designated the United States and claimed a priority date of 08 June 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 14 December 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 25 September 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 10 December 2001 (08 December 2001 being a Saturday).

On 05 December 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date.

On 18 March 2002, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (FORM PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required.

On 15 November 2002, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to timely respond to the Notification mailed 18 March 2002.

On 05 May 2003, applicants filed the instant "PETITION TO VACATE ABANDONMENT".

DISCUSSION

Applicants' petition indicates that a response to the NOTIFICATION OF MISSING REQUIREMENTS mailed 18 March 2002 was filed on 15 May 2002. The petition under 37 CFR 1.181 in effect requests that the USPTO consider the copy of the response filed with the petition as having been filed in the USPTO on 15 May 2002. The original response has now been matched with the application file. Accordingly, the NOTIFICATION OF ABANDONMENT mailed 15 November 2002 is hereby VACATED and the petition under 37 CFR 1.181 is MOOT.

The original response includes a Certificate of Mailing certifying that the correspondence was deposited with the United States Postal Service on 15 May 2002. However, the USPTO date stamp on the correspondence is 03 January 2003. Nevertheless, the correspondence is considered as timely filed.

The declaration of inventors filed 03 January 2003 is not in compliance with 37 CFR 1.497(a)-(b). The declaration includes pages 1-2, a first page 3 signed by inventor Sudeep Kumar Palat and a second page 3 signed by Hatef Yamini (On this second page 3, the page number "3" has been whited out and the number "4" is handwritten in blue ink over the whiteout.) This suggests that all pages of the declaration were not present at the time of execution for each inventor, thus rendering the execution improper. A copy of the entire declaration submitted to applicant(s) for signing must be provided. Each executed declaration must identify all of the inventors and the citizenship of all of the inventors. Also, each submitted declaration must be complete, even if executed by only one of the inventors.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is DISMISSED as MOOT.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 15 November 2002 is VACATED.

Since the reply filed 03 January 2003 appears to have been bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this

notice, whichever is longer, within which to provide an oath or declaration in compliance with 37 CFR 1.497(a)-(b). Extensions of this time period may be granted under 37 CFR 1.136(a).

Failure to timely file a proper response will result in **abandonment** of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459